

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NATHAN J. CHAPMAN, JR.,	:	CIVIL ACTION
Plaintiff,	:	
	:	NO. 02-4472
v.	:	
	:	
PHILIP JOHNSON, et al.,	:	
Defendants.	:	

**MEMORANDUM AND ORDER**

BUCKWALTER, J.

January 7, 2003

Magistrate Judge Peter B. Scuderi filed a Report and Recommendation on November 27, 2002. Upon his *pro se* motion, Petitioner was given an extension of time to file his objections, which he did on December 27, 2002.

The objections are substantially the same arguments that he has made in his petition for a writ of habeas corpus. He also argues in effect that “the issue of due process is more significant than the issue of timeliness (sic).” The issue of timeliness was correctly addressed by Magistrate Judge Scuderi, as were the considerations which the court must review to determine if equitable tolling is applicable.

An order follows.

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	:	NO. 02-4472
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	:	
PHILIP JOHNSON, et al.,	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 7<sup>th</sup> day of January, 2003, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi, and the objections made thereto by Plaintiff, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition filed pursuant to 28 U.S.C. § 2254 is DISMISSED.
3. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

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RONALD L. BUCKWALTER, J.